

Notice of Allowability

Application No.

10/725,577

Examiner

David S. Kim

Applicant(s)

SUZUKI ET AL.

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 July 2007.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted:
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Matthew Polson on Tuesday, 14 August 2007.

The application has been amended as follows:

In the claims (deletions are strikethrough portions, additions are underlined portions)

Claim 8. The gain setting method for the receiving amplifier in the WDM transmission equipment according to claim 2,

wherein the shutoff of the passing-through light and the added light is performed by closing a shutter disposed on the input side of the transmitting amplifier in the preceding station.

In the abstract (deletions are strikethrough portions, additions are underlined portions)

Please replace the abstract filed on 29 January 2007 with the following abstract:

Gain setting of a receiving amplifier ~~is performed by use of ASE light of a transmitting amplifier, without need of a particular light source.~~ The gain setting is performed by detecting the necessity of gain setting when a receiving amplifier is turned on, requesting WDM transmission equipment in a preceding station to output ASE light; in a WDM transmission equipment of the preceding station, shutting off both passing-through light and added light, and outputting the ASE light corresponding to a predetermined number of wavelengths of signal light; in the receiving amplifier of the WDM transmission equipment in the station of interest, performing the gain setting by use of the ASE light; and on completion of the gain setting, ~~in the WDM transmission equipment of the station of interest, shifting to receive an optical signal~~ requesting the WDM transmission equipment of the preceding station to halt the ASE light output, and in

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the WDM transmission equipment of the preceding station, ~~switching over~~ halting the ASE light output upon receiving the request and switching the output to an optical signal output.

Drawings

2. Applicant's response to the objection to the drawings in the previous Office Action (mailed on 05 March 2007) is noted and appreciated. The replacement drawings were received on 05 July 2007. These drawings are approved. The previous objections are presently withdrawn.

Claim Rejections - 35 USC § 112

3. Applicant's response to the rejections under 35 U.S.C. 112 in the previous Office Action (mailed on 05 March 2007) is noted and appreciated. Applicant responded by amending the claims. Applicant's response overcomes the previous rejections, which are presently withdrawn.

Terminal Disclaimer

4. The terminal disclaimer filed on 05 July 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,002,734 B2 to Horachi et al. has been reviewed and is accepted. The terminal disclaimer has been recorded. Accordingly, the previous double patenting rejections are presently withdrawn.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Kim whose telephone number is 571-272-3033. The examiner can normally be reached on Mon.-Fri. 9 AM to 5 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N. Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSK

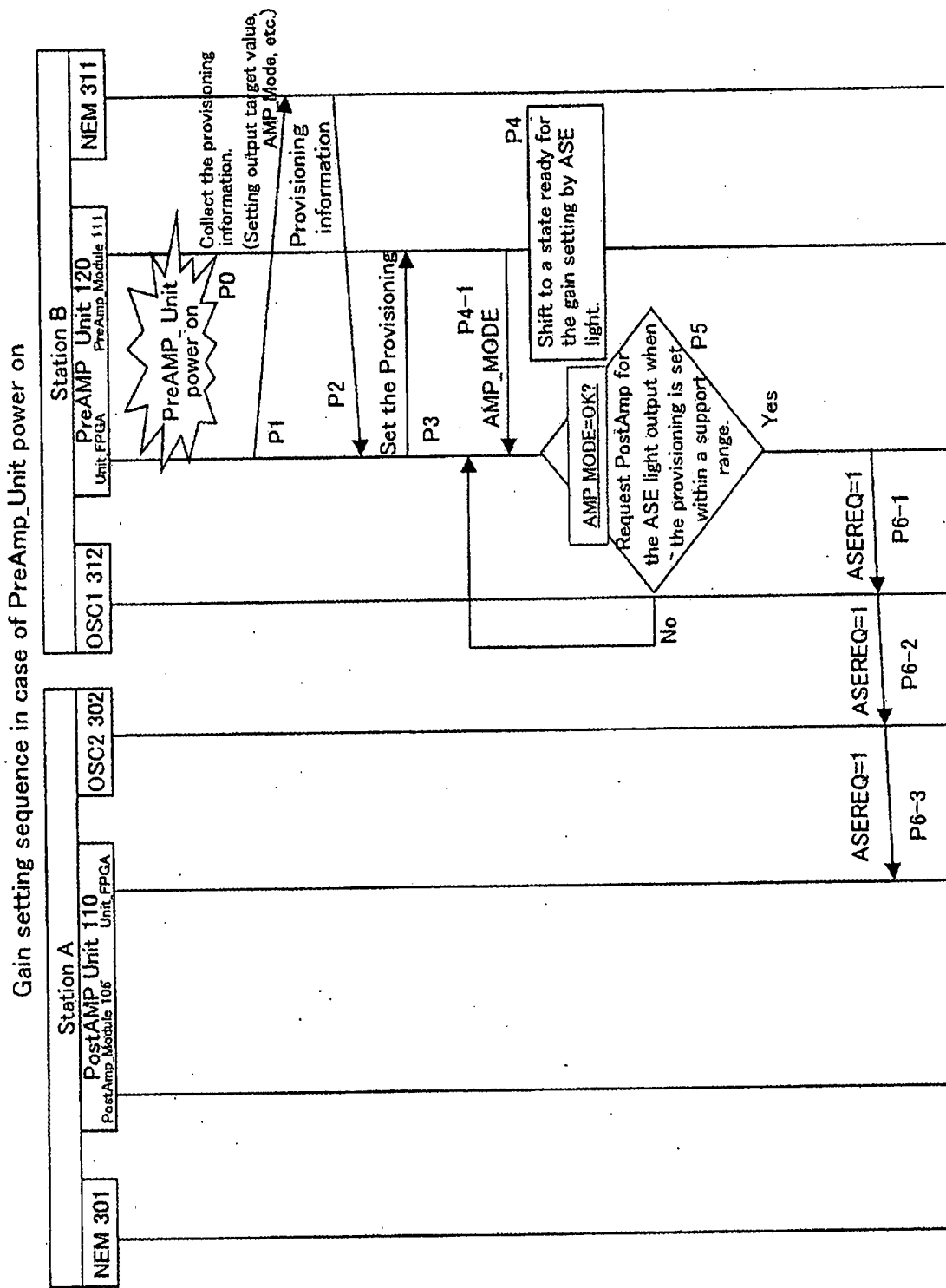


KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER

Approved by DSK
30 JULY 2007

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Fig. 3

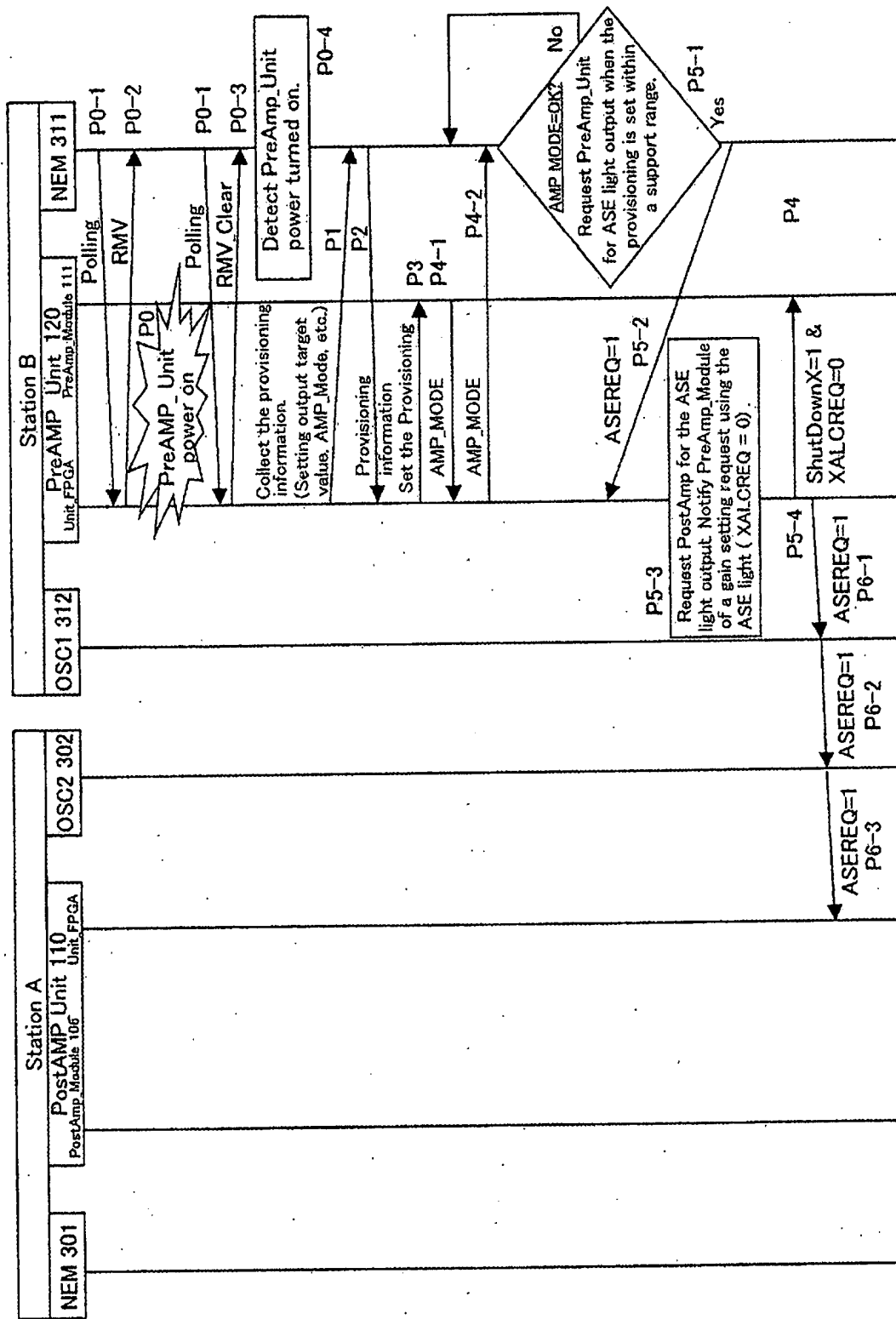


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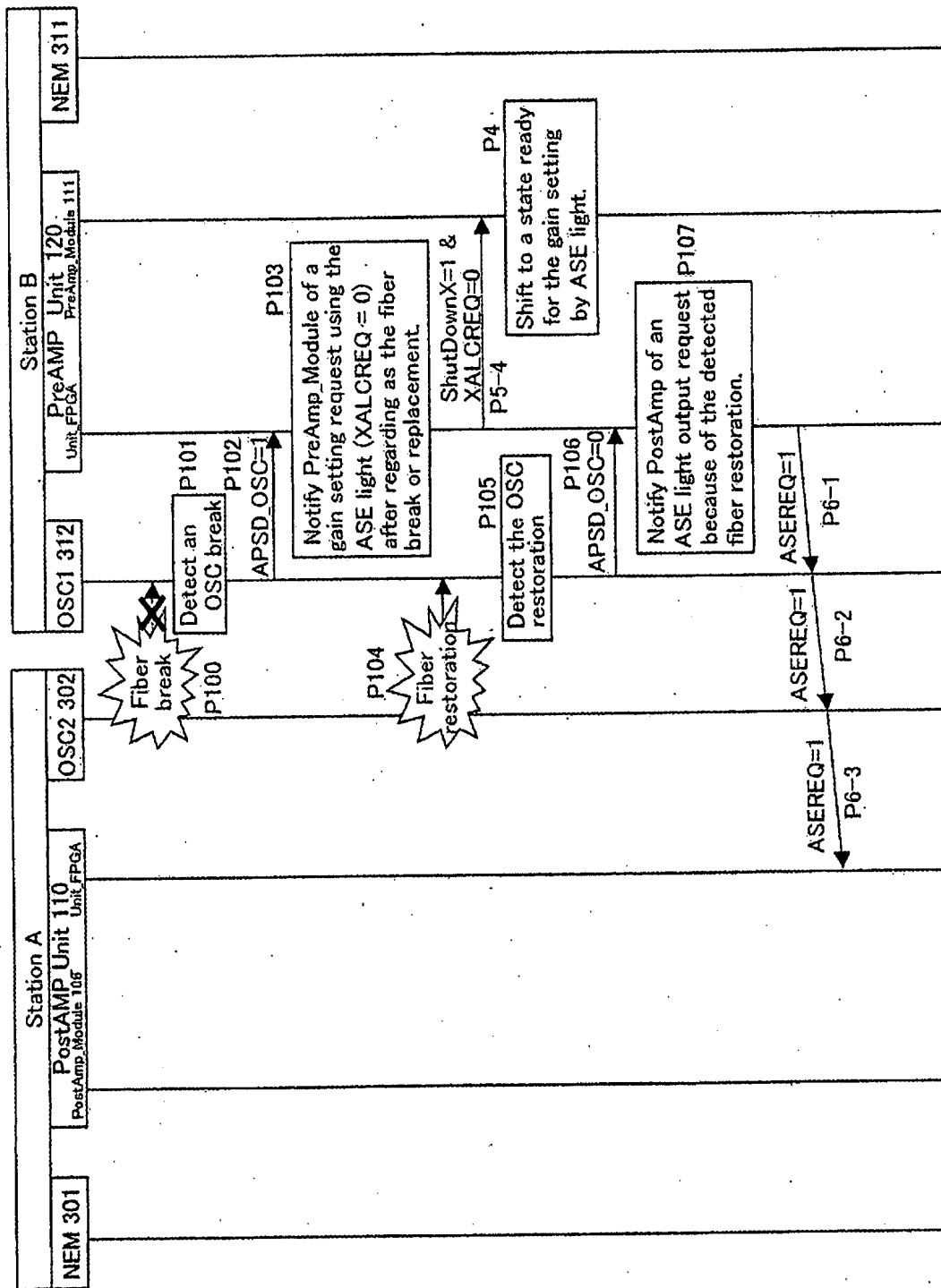
Fig. 4

Gain setting sequence in case of PreAmp_Unit power on



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Fig. 5 PreAmp gain setting sequence in case of the fiber restoration

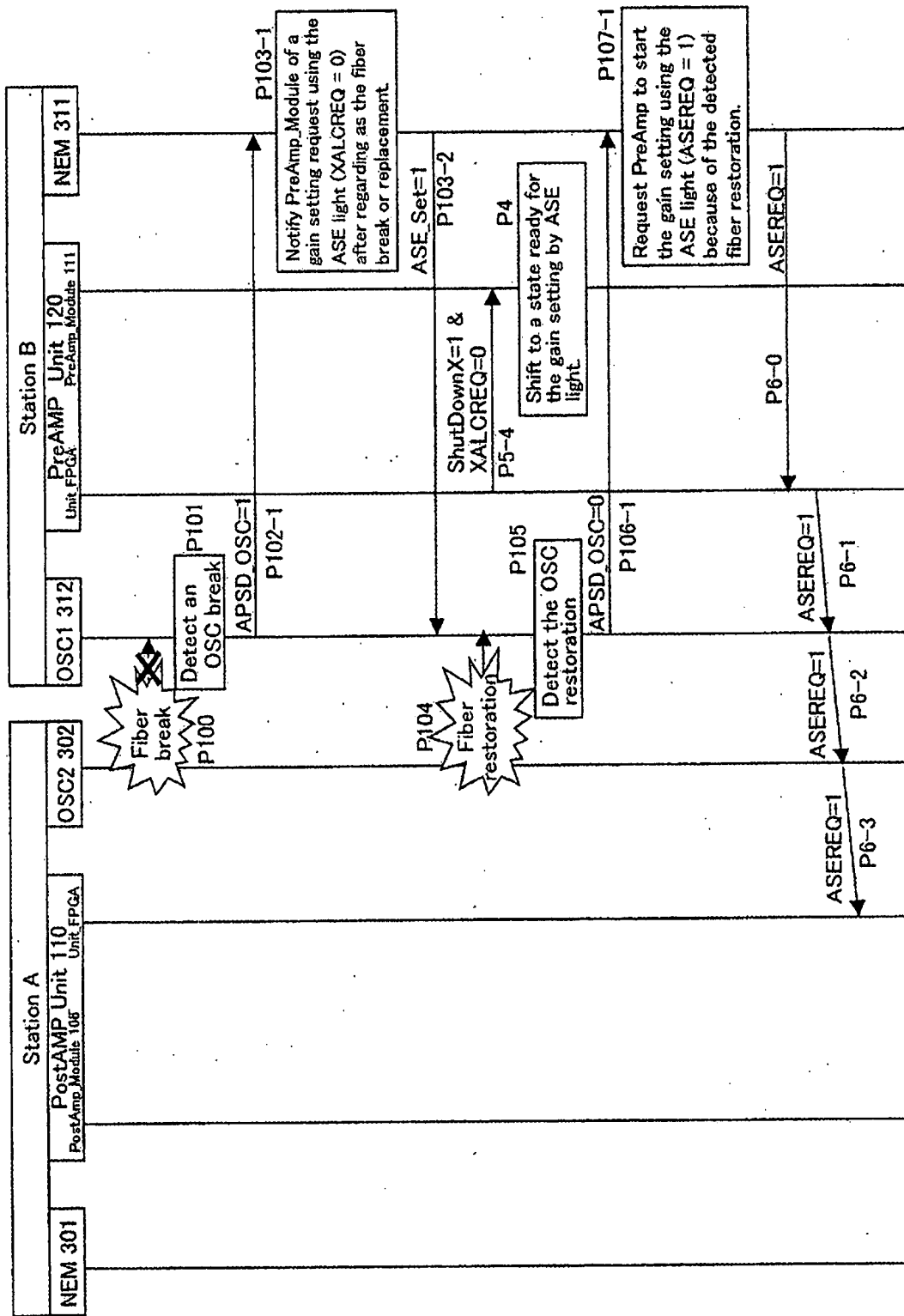


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Fig. 6

PreAmp gain setting sequence in case of the fiber restoration



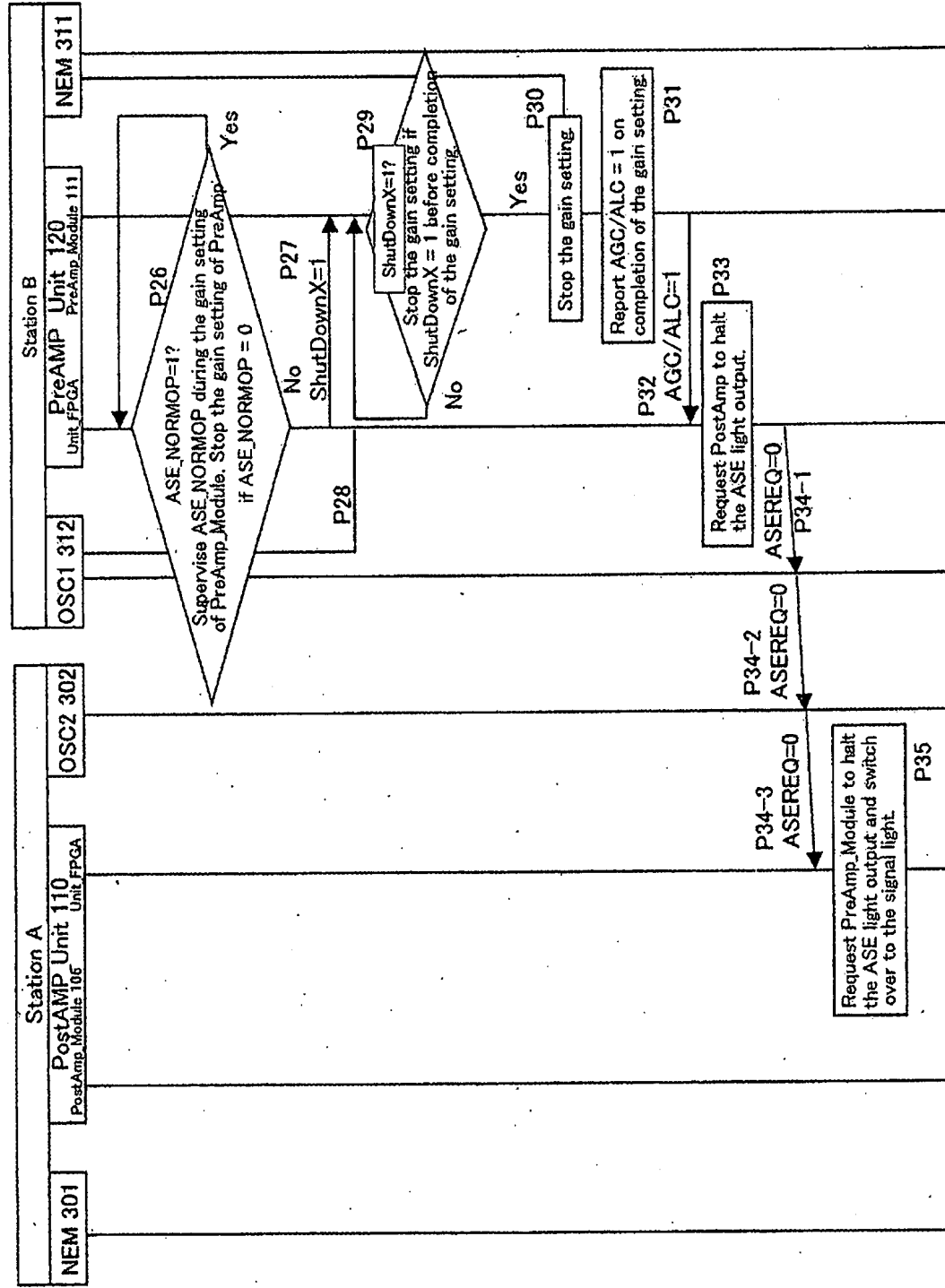
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Fig. 8



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Fig. 9

